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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,973	11/30/2000	Brian M. Siegel	SONYNJ 3.0-027	1722
530	7590	08/19/2005	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			LIN, KENNY S	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 08/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726;973

Applicant(s)

SIEGEL ET AL.

Examiner

Kenny Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

RD

DETAILED ACTION

1. Claims 1-18 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-7, 13 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell et al (hereinafter Mitchell), US 2002/0013850, filed on June 28, 2001 with an earlier effective filing date of June 28, 2000, in view of Haitsuka et al (Haitsuka), US 6,847,992.

4. Mitchell was cited in the previous office action.

5. As per claims 1 and 15, Mitchell taught the invention substantially as claimed a method of personalizing information presented at a host web site comprising:

- a. Using the host web site for obtaining personal data/collecting identifying data about a user during a visit to the host web site (pp. 0034, 0048-0049; entering registration data);
- b. After the host web site obtains the personal data about the user/collects the identifying data, using the host web site for monitoring the content of

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information viewed by the user while the user visits other web sites (pp. 0052; application server may then send aggregated transactional assets to personal profile data store; pp. 0055, click-stream data is stored in a personal preferences database, data derived from pages accessed by the network user); and

- c. During a subsequent visit by the user to the host web site, personalizing the information presented to the user, wherein the host web site modifies the content of the information presented to the user based upon the personal data obtained/identifying data collected about the user and the content of the other web sites visited by the user (pp. 0049; repeat network user systems may be automatically recognized and served with the appropriate customized web page; pp. 0050-0055; interactive presentation service creating the web site).

6. Mitchell further taught to use cookies for storing user ID (pp. 0049). Mitchell did not specifically teach to assign a unique ID to each device among a plurality of devices used for presenting the personalized information; presenting content based upon also the unique ID of the device used to access the host web site and that the content of the information presented to the user is different for each unique ID assigned to each device among the plurality of devices. Haitsuka taught to assign unique ID to each device among a plurality of devices used for presenting the personalized information (col.2, lines 64-67, col.3, lines 1-3; cookie is inherently known to contain user or device identification) and to present the content information based upon the unique ID of the

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device used to access the host web site (col.3, lines 11-15) and that the content of the information presented to the user is different for each unique ID assigned to each device (col.3, lines 11-20; computer-specific). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell, and Haitsuka because Haitsuka's teaching of using cookies to store information enables Mitchell's method to store the user identification, user information (e.g. preference) and visited web contents on a hard disk on the user's workstation in a cookie and eliminate the need for storing these user-related information in a storage located at the host site (see Haitsuka, col.2, lines 64-67, col.3, lines 1-20).

7. As per claim 2, Mitchell and Haitsuka taught the invention substantially as claimed in claim 1. Mitchell further taught that wherein the content of the information presented to the user during the subsequent visit to the host web site is related to the personal data obtained from the user (pp. 0052, 0055).

8. As per claim 7, Mitchell and Haitsuka taught the invention substantially as claimed in claim 2. Mitchell further taught to continuously updating the content of the information presented to the user during each subsequent visit to the host web site, wherein the content of the information is updated in response to any changes in the personal data for the user or in the content of the other web sites visited by the user (pp. 0050-0055).

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9. As per claim 13, Mitchell and Haitsuka taught the invention substantially as claimed in claim 1. Mitchell further taught that wherein the personal data about the user includes any information used to identify the user as a unique individual (pp. 0048-0049).

10. As per claims 4 and 16, Mitchell taught the invention substantially as claimed in claims 1 and 15. Mitchell further taught to placing cookie on a hard disk of the user (pp. 0049; cookie is known inherently to be stored in client device). Mitchell further taught to record personal data about the user/information related to the identifying data of the user (pp. 0048-0049). Mitchell did not specifically teach the method to comprise recording the personal data about/information related to the identifying data of the user and the content of the other web sites visited by the user on the cookie. Haitsuka taught store personal data of the user and the content of the other web sites visited by the user on the cookie (col.2, lines 64-67, col.3, lines 1-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell, and Haitsuka because Haitsuka's teaching of using cookies to store information enables Mitchell's method to store user information and visited web contents on a hard disk on the user's workstation in a cookie and eliminate the need for storing these user-related information in a storage located at the host site (see Haitsuka, col.2, lines 64-67, col.3, lines 1-20).

11. As per claims 5-6 and 17, Mitchell and Haitsuka taught the invention substantially as claimed in claims 4 and 16. Haitsuka further taught to retrieve from the cookie the personal data of the user and the content of the other web sites visited by the user to the

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host web site during each subsequent visit to the host web site (col.2, lines 64-67, col.3, lines 1-20).

12. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell and Haitsuka as applied to claim 17 above, and further in view of Philyaw et al (hereinafter Philyaw), US 6,836,799.

13. Philyaw was cited in the previous office action.

14. As per claim 18, Mitchell, and Haitsuka taught the invention substantially as claimed in claim 17. Mitchell and Haitsuka did not specifically teach to continuously updating the information recorded on the cookie. Philyaw further taught to continuously updating the information recorded (col.26, lines 44-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell, Haitsuka and Philyaw because Philyaw's teaching of the storing content of other web sites with user information in user profile enables Mitchell and Haitsuka's method to properly and continuously update user profile stored in the cookie in accordance to contents of the user visited web sites and user interests (col.26, lines 44-54).

15. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell and Haitsuka as applied to claim 1 above, and further in view of "Official Notice".

16. As per claims 8-11, Mitchell and Haitsuka taught the invention substantially as claimed in claim 1. Mitchell and Haitsuka did not specifically teach that wherein the content of the other web sites visited by the user includes the URL addresses of the visited web sites, the length of time spent viewing, any applets that are downloaded or the number of times the user visits each of the other web sites. Official Notice is taken that the limitation narrowed by these claims are considered obvious and furthermore a matter of design choice in obtaining statistics or information. Since applicants have not disclosed that the claimed limitation solve any stated problem or are for any particular purpose, it appears that the invention would perform equally well without the claimed features. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include different statistics tracking or calculation and downloaded applets that is needed to support the web site as part of the content obtained.

17. As per claim 12, Mitchell and Haitsuka taught the invention substantially as claimed in claim 1. Mitchell and Haitsuka did not specifically teach to comprise presenting the personalized information on a device selected from the group consisting of personal computers, a laptop computer, set top boxes, wireless phones, pagers and personal digital assistants. However, Official Notice is taken that the limitations narrowed by this claim is considered obvious and furthermore a matter of design choice, since applicants have not disclosed that the claimed limitations solve any stated problem or are of any particular purpose and it appears that the invention would perform equally well without these claimed features. Therefore, it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to efficiently utilize the claimed method in all types of presenting devices.

18. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell and Haitsuka as applied to claim 1 above, and further in view of Subramonian et al (hereinafter Subramonian), US 6,701,362.

19. Subramonian was cited in the previous office action.

20. As per claim 3, Mitchell and Haitsuka taught the invention substantially as claimed in claim 1. Mitchell and Haitsuka did not specifically teach to further comprising obtaining authorization from the user to monitor the other web sites visited by the user. Subramonian taught that the monitoring and collecting step is performed only if it is authorized by the user (col.11, lines 66-67). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell, Haitsuka and Subramonian because Subramonian's teaching of authorizing prior to collecting and monitoring user activities would prevent Mitchell and Haitsuka's method from invading the privacy of the users.

21. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell and Haitsuka as applied to claim 13 above, and further in view of Nickerson et al (hereinafter Nickerson), US 6,606,581.

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22. Nickerson was cited in the previous office action.

23. As per claim 14, Mitchell and Haisuka taught the invention substantially as claimed in claim 13. Mitchell and Haisuka did not specifically teach wherein the personal data includes the user's name, address, zip code, occupation, phone number, education level, income, marital status, citizenship, home ownership status, age and health. Nickerson taught to include user's name, address, zip code, occupation, phone number, education level, income, marital status, home ownership status, age and other personal information as the personal data (col.15, lines 61-67, col.6, lines 1-8). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Mitchell, Haisuka and Nickerson because Nickerson's teaching of personal data requirement would provide a more detailed personal data collection in Mitchell and Haisuka's method.

Response to Arguments

24. Applicant's arguments with respect to claims 1 and 15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Katz, US 6,834,294.

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26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
August 12, 2005

LARRY D. DONAGHUE
PRIMARY EXAMINER

